

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

Revised 07/07 WDNY

Courtney Wilson

Name(s) of Plaintiff or Plaintiffs

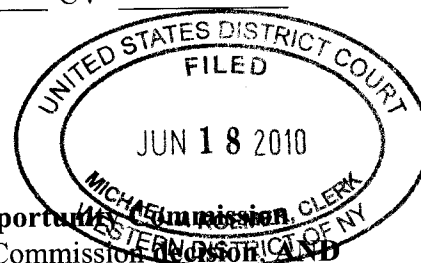
Jury Trial Demanded: Yes ___ No ___

10 CV 510-LM&T Bank -VS-

Name of Defendant or Defendants

DISCRIMINATION COMPLAINT

-CV-



You should attach a copy of your **original Equal Employment Opportunity (EEOC) complaint**, a copy of the Equal Employment Opportunity Commission's **Right to Sue** letter, and a copy of the **"Right to Sue"** letter you received from the EEOC to this complaint. Failure to do so may delay your case.

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

This action is brought for discrimination in employment pursuant to (check only those that apply):

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub.L.No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub.L.No. 99-592, the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you **must first file charges** with the Equal Employment Opportunity Commission.

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112-12117 (amended by the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

JURISDICTION is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub.L.No. 102-166, and any related claims under New York law.

In addition to the federal claims indicated above, you may wish to include New York State claims, pursuant to 28 U.S.C. § 1367(a).

X

New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

PARTIES

1. My address is: 124 Pheasant Run Road, Left
Amherst, New York 14228

My telephone number is: (716) 545-0735

2. The name of the employer(s), labor organization, employment agency, apprenticeship committee, state or local government agency who I believe discriminated against me is/are as follows:

Name: M&T Bank

Number of employees: 500+

Address: 1 M&T Plaza
Buffalo, New York 14203

3. (If different than the above), the name and/or the address of the defendant with whom I sought employment, was employed by, received my paycheck from or whom I believed also controlled the terms and conditions under which I were paid or worked. (For example, you worked for a subsidiary of a larger company and that larger company set personnel policies and issued you your paycheck).

Name: _____

Address: _____

CLAIMS

4. I was first employed by the defendant on (date): 05-23-03

5. As nearly as possible, the date when the first alleged discriminatory act occurred is: September 2007
6. As nearly as possible, the date(s) when subsequent acts of discrimination occurred (if any did): September 2007 - May 2009
7. I believe that the defendant(s)
- a. _____ Are still committing these acts against me.
- b. X Are not still committing these acts against me.
(Complete this next item **only** if you checked "b" above) The last discriminatory act against me occurred on (date) 05/09
8. (Complete this section **only** if you filed a complaint with the New York State Division of Human Rights)
The date when I filed a complaint with the New York State Division of Human Rights is _____
(estimate the date, if necessary)
I filed that complaint in (identify the city and state): _____
The Complaint Number was: _____
9. The New York State Human Rights Commission did _____ /did not _____ issue a decision. (**NOTE:** If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
10. The date (if necessary, estimate the date as accurately as possible) I filed charges with the Equal Employment Opportunity Commission (EEOC) regarding defendant's alleged discriminatory conduct is: 05-25-09
11. The Equal Employment Opportunity Commission did /did not _____ issue a decision. (**NOTE:** If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
12. The Equal Employment Opportunity Commission issued the attached Notice of Right to Sue letter which I received on: 03-20-10. (**NOTE:** If it

did issue a Right to Sue letter, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)

13. I am complaining in this action of the following types of actions by the defendants:

- a. _____ Failure to provide me with reasonable accommodations to the application process
- b. _____ Failure to employ me
- c. _____ Termination of my employment
- d. ☒ Failure to promote me
- e. _____ Failure to provide me with reasonable accommodations so I can perform the essential functions of my job
- f. _____ Harassment on the basis of my sex
- g. _____ Harassment on the basis of unequal terms and conditions of my employment
- h. _____ Retaliation because I complained about discrimination or harassment directed toward me
- i. _____ Retaliation because I complained about discrimination or harassment directed toward others
- j. _____ Other actions (please describe) _____

14. Defendant's conduct is discriminatory with respect to which of the following (*check all that apply*):

- | | |
|--|---|
| a. _____ Race | f. _____ Sexual Harassment |
| b. _____ Color | g. _____ Age |
| c. <input checked="" type="checkbox"/> Sex | _____ Date of birth |
| d. _____ Religion | h. _____ Disability |
| e. _____ National Origin | Are you incorrectly perceived as being disabled by your employer? |
| | _____ yes _____ no |

15. I believe that I ~~was~~ was /was not _____ **intentionally** discriminated against by the defendant(s).

16. I believe that the defendant(s) is/are _____ is not ~~are not~~ ^{and} still committing these acts against me. (If you answer is that the acts are not still being committed, state when: 06/2009 and why the defendant(s) stopped committing these acts against you: These acts stopped when I terminated my employment in June of 2009.)
17. **A copy of the charge to the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of my claim.** (NOTE: You **must** attach a copy of the **original complaint** you filed with the Equal Employment Opportunity Commission and a copy of the **Equal Employment Opportunity Commission affidavit** to this complaint; failure to do so will delay initiation of your case.)
18. The Equal Employment Opportunity Commission (check one):
 _____ **has not** issued a Right to sue letter
☒ **has** issued a Right to sue letter, which I received on 03-20-10
19. State here as briefly as possible the *facts* of your case. Describe how each defendant is involved, including *dates* and *places*. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

I announced my pregnancy to my Manager in September 2007. I was continuously written up (disciplined) for attendance issues after my announcement. Write ups included dates where my doctor took me off of work for pregnancy related sickness (note was attached to my write up). Also included write ups for days I missed while in the hospital believing I was in labor. Upon my return from maternity leave, my responsibilities changed/decreased. I was passed up for a promotion I deserved and was harassed daily for defending myself against false/unjust accusations.

FOR LITIGANTS ALLEGING AGE DISCRIMINATION

20. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct
 _____ 60 days or more have elapsed _____ less than 60 days have elapsed

FOR LITIGANTS ALLEGING AN AMERICANS WITH DISABILITIES ACT CLAIM

21. I first disclosed my disability to my employer (or my employer first became aware of my disability on _____)

22. The date on which I first asked my employer for reasonable accommodation of my disability is _____
23. The reasonable accommodations for my disability (if any) that my employer provided to me are: _____
24. The reasonable accommodation provided to me by my employer were ____/were not ____ effective.

WHEREFORE, I respectfully request this Court to grant me such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

Dated: 06-18-10

Courtney D. Wilson
Plaintiff's Signature

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge sent To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

525-2009-00706

New York State Division Of Human Rights

and EEOC

Name (indicate Mr., Ms., Mrs.)

Courtney Wilson

Home Phone (Incl. Area Code)

(716) 525-1079

Date of Birth

10/22/1981

Street Address

City, State and ZIP Code

124 Pheasant Run Road, Amherst, New York 14228

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

M&T Bank

No. Employees, Members

500+

Phone No. (Include Area Code)

(877) 473-4732

Street Address

City, State and ZIP Code

1 M&T Plaza, Buffalo, New York 14203

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

12/03/2008

03/25/2009

☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I have worked for Respondent since 2003. My current position is Compliance Analyst II.

Prior to announcing my pregnancy, I had never been given a warning regarding my attendance or performance in my department. After announcing my pregnancy, I have been subject to warnings and disciplinary action. I was written up for absences related to sickness and pregnancy, including dates for which I provided doctor notes. This also included being hospitalized for false labor as well as 2 days off while my infant daughter was hospitalized. Additionally, in December 2008, after I had returned from pregnancy leave, I and another female with children were denied promotion to a management position although we had more seniority and experience. The other individual is a female in her 40's with no children. I trained this individual for her position and she had only been in the department for 6 months. I was never advised that the position was being filled at the time and never given the opportunity to apply for the position. When I complained, I was told that the position was never offered to me due to attendance issues.

I believe I have been disciplined and denied the promotion because of my gender/female-pregnancy in willful violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

6-01-09

Date

Courtney Wilson
 Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE June 1, 2009
 (month, day, year)

ERNEST J. GAWINSKI
 NOTARY PUBLIC, State of New York
 No. 02GA5027383

Qualified in Erie County
 Commission Expires, May 9, 2010

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (5/01).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under the ADEA must be sworn to or affirmed (either by using this form or by presenting a notarized sworn declaration under penalty of perjury); charges under the ADEA should ordinarily be sworn to. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF SUBSTANTIAL WEIGHT REVIEW

Charges filed with the local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, and Section 503(a) of the ADA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.



**U.S. Equal Employment Opportunity Commission
Buffalo Local Office**

6 Fountain Plaza
Suite 350
Buffalo, NY 14202
(716) 551-4442
TTY (716) 551-5923
FAX (716) 551-4387

Respondent: M&T Bank
EEOC Inquiry No.: 525-2009-00706

May 28, 2009

Courtney Wilson
124 Pheasant Run Road
Amherst, New York 14228

Dear Ms. Wilson:

This is with reference to your recent inquiry (an office visit, phone call, correspondence, or electronically submitted intake questionnaire) in which you alleged employment discrimination by the above-named respondent. The information provided indicates that the matter complained of is subject to the statute(s) checked off below:

- ☒ Title VII of the Civil Rights Act of 1964 (Title VII)
- ☐ The Age Discrimination in Employment Act (ADEA)
- ☐ The Americans with Disabilities Act (ADA)
- ☐ The Equal Pay Act (EPA)

The attached EEOC Form 5, Charge of Discrimination, is a summary of your claims based on the information you provided. To enable proper handling of this action by the Commission you should:

- (1) Review the enclosed charge form and make corrections.
- (2) Sign and date the charge in the bottom left hand block where I have made an "X".
- (3) Return the signed charge to this office.

These steps are necessary if you wish to file a charge. No charge has been filed because the correspondence you submitted was not signed. Since charges should be filed within the time limits imposed by law, please complete these steps as soon as possible. Please call me at the number listed below if you have any questions. If you have to call long distance, please call collect.

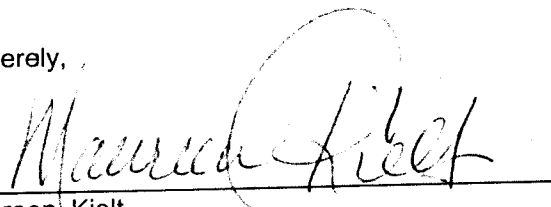
IF WE DO NOT RECEIVE YOUR SIGNED CHARGE WITHIN 30 DAYS OR HEAR FROM YOU WITHIN 30 DAYS, WE WILL ASSUME THAT YOU DECIDED NOT TO FILE A CHARGE OF DISCRIMINATION WITH EEOC.

- ☒ Please be aware that after we receive your signed charge, the EEOC will send a copy of the charge to the agency listed below as required by our procedures. If that agency processes the charge, it may require the charge to be signed before a notary public or an agency official. The agency will then investigate and resolve the charge under their statute.

New York State Division Of Human Rights
Federal Contract Unit
One Fordham Plaza, 4 Fl.
Bronx, NY 10458

Please use the "EEOC Inquiry No." listed at the top of this letter whenever you call us. Please notify this office of any change in address or of any prolonged absence from home. Please also read the enclosed brochure, "What You Should Know Before You File A Charge With EEOC," for answers to frequently asked questions about employee rights and the EEOC process.

Sincerely, ,

A handwritten signature in dark ink, appearing to read "Maureen Kielt", is written over a horizontal line.

Maureen Kielt
Investigator
(716) 551-4442

Office Hours: Monday – Friday, 8:30 a.m. - 5:00 p.m.
www.eeoc.gov

Enclosure(s)

Copy of EEOC Form 5, Charge of Discrimination
Copy of EEOC Uniform Brochure, "What You Should Know Before You File A Charge With EEOC."



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Buffalo Local Office

6 Fountain Plaza, Suite 350
Buffalo, NY 14202
(716) 551-4442
TTY (716) 551-5923
FAX (716) 551-4387

Courtney Wilson
124 Pheasant Run
Amherst, New York 14228

Re: EEOC Charge No.: 525-2009-00706
Courtney Wilson v. M&T Bank Corp.

Dear Ms. Wilson:

The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission"), has reviewed the above-referenced charge according to our charge prioritization procedures. These procedures, which are based on a reallocation of the Commission's staff resources, apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

In accordance with these procedures, we have evaluated your charge based upon the information and evidence submitted. You allege that you were disciplined and denied promotion during and after your pregnancy. You have stated that you had no history of discipline for performance or attendance prior to your pregnancy and that the promotion was given to another older female, Deanna Haddath, age 43, who has no children.

The evidence showed, contrary to your assertions, you had a long history of performance attendance issues dating back to 2004. In your performance review dated February 2004, it was noted that you had excessive sporadic time off and were told to keep personal conversations to a minimum. In your performance evaluation dated February 2005, you received a rating of "4-needs improvement" due to excessive absenteeism and tardiness. On April 22, 2005, you received written warning for attendance/tardiness issues and were directed to "arrive each day on time ready for work."

Your poor attendance and other performance issues continued. In your performance evaluation dated February 2007, the following issues were documented. You were advised that you needed to arrive promptly and ready to work according to scheduled time, spend less time away from your work area and stop excessive personal phone calls. On September 20, 2007, you were given a verbal warning regarding your excessive absenteeism which impacted the timing of your deliverables as deadlines had been missed. The verbal warning also noted that since October of 2006, attendance had been an ongoing problem.

In October 2007, Respondent became aware of your pregnancy. Your pattern of absenteeism continued and you were given a written warning on December 7, 2007. After being given this warning, your absenteeism improved the next 3 months and you were rated "2-exceeds" with regards to performance attendance on your annual evaluation. In addition, you were promoted from Grade 8 Business Compliance Specialist to a Grade 9 Compliance Specialist II increasing

your base pay 9.25%. You were out for maternity leave from the end of May 2008 until the beginning of September 2008. Your time off for pregnancy was not considered in your issue of attendance. Unfortunately, your pattern of attendance and tardiness returned. On February 11, 2009, you received verbal warning for attendance and tardiness. You were given a written warning on March 25, 2009 for continued excessive absences. Because you failed to improve your attendance, you were placed on Final Warning on May 14, 2009. In addition, at this time Respondent had identified that you had made or received more than 1,200 personal telephone calls and over 60 long distance calls in a 3 month period using Respondent's communication system. These are all non-discriminatory reasons for discipline.


Finally, Deanna Haddath was promoted into the position of Securities Risk Manger because she had 10 years of management experience prior to her employment with Respondent. Additionally, she had six years of proven supervisory and management with respondent in its retail branch network. Haddath also holds a Bachelors Degree, a basic requirement and qualification for the position. You lacked a Bachelors Degree or any management/supervisory experience. Furthermore, neither you nor any one else expressed interest in the position while Haddath was the only employee who had expressed interest. When you inquired as to why you were not selected, you were told that Haddath had superior qualifications and that your history of attendance would have hindered your selection.

Based upon an analysis of the information submitted to us, the Commission is unable to conclude that the information establishes a violation of Federal law on the part of Respondent. This does not certify that Respondent is in compliance with the statutes. No finding is made as to any other issue that might be construed as having been raised by this charge.

The Commission's processing of this charge has been concluded. Included with this letter is your Notice of Dismissal and Right to Sue. Following this dismissal, you may only pursue this matter by filing suit against the Respondent named in the charge within 90 days of receipt of said notice. Otherwise, your right to sue will be lost. Please contact Federal Investigator Maureen C. Kielt at (716) 551-4442 if you have any questions.

Sincerely,

Date: MAR 18 2010

 for
John E. Thompson, Jr., Director
Buffalo Local Office

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Courtney L. Wilson**
124 Pheasant Run Road
Amherst, NY 14228

From: **Buffalo Local Office**
6 Fountain Plaza
Suite 350
Buffalo, NY 14202

☐

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

525-2009-00706

Maureen Kieft,
Investigator

(716) 551-4442

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


John E. Thompson,
Local Office Director

Enclosures(s)

MAR 18 2010

(Date Mailed)

cc: **M&T BANK CORPORATION**
1 M&T Plaza
Buffalo, NY 14203

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.